

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-22-05

WHEREAS, **IRA & BAMBI GRABOW** applied to Community Zoning Appeals Board

12 for the following:

- (1) EU-1 to EU-S

OR IN THE ALTERNATIVE TO REQUEST #1, THE FOLLOWING:

- (2) To permit a lot with an area of .645 gross acre and a lot with an area of .793 gross acre (1 gross acre required for each).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A plan is on file and may be examined in the Zoning Department entitled "Specific Purpose Survey, Site Plan, Ira Grabow," as prepared by Robayna and Associates, dated stamped received 4/19/05.

SUBJECT PROPERTY: The east 257' of Lots 1 & 2 in Block 3, AMENDED PLAT OF GRANADA PARK, Plat book 40, Page 21.

LOCATION: The Southwest corner of S.W. 76 Street & S.W. 48 Court; A/K/A: 4820 S.W. 76 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 12 that the requested district boundary change to EU-S (Item #1) or in the alternative the request to permit a lot with an area of .645 gross acre and a lot with an area of .793 gross acre (Item #2) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade

County, Florida, and should be denied and said application was denied by Resolution No. CZAB12-31-05, and

WHEREAS, **IRA & BAMBI GRABOW** appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

(1) EU-1 to EU-S

OR IN THE ALTERNATIVE TO REQUEST #1, THE FOLLOWING:

(2) Applicant is requesting to permit a lot with an area of .645 gross acre and a lot with an area of .793 gross acre (1 gross acre required for each).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A plan is on file and may be examined in the Zoning Department entitled "Specific Purpose Survey, Site Plan, Ira Grabow," as prepared by Robayna and Associates, dated stamped received 4/19/05. Plan may be modified at public hearing.

SUBJECT PROPERTY: The east 257' of Lots 1 & 2 in Block 3, AMENDED PLAT OF GRANADA PARK, Plat book 40, Page 21.

LOCATION: The Southwest corner of S.W. 76 Street & S.W. 48 Court; A/K/A: 4820 S.W. 76 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. Site Plan. That said Property shall be developed substantially in accordance with the plans previously submitted, entitled "Specific Purpose Survey/Site Plan" prepared by Robayna and Associates, Inc., dated stamped received April 19, 2005, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
2. Setback and Lot Coverage Requirements for Lot A. Any residential unit constructed on Lot A shall have a minimum rear setback of twenty-five feet (25'), a minimum front setback of fifty feet (50'), a minimum interior side setback of fifteen feet (15'), a minimum side setback from SW 48 Court of twenty-five feet (25'), a maximum lot coverage of fifteen percent (15%) for a two (2) story residence.

3. Setback and Lot Coverage Requirements for Lot B. Any residential unit constructed on Lot B shall have a minimum rear setback of twenty-five feet (25'), a minimum front setback of fifty feet (50'), a minimum interior side setback of fifteen feet (15'), a maximum lot coverage of twenty percent (20%) for a one (1) story residence and a maximum lot coverage of fifteen percent (15%) for a two (2) story residence.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons made by Community Zoning Appeals Board 12 in Resolution No.CZAB12-31-05 were sufficient to merit a reversal of the decision, and the appeal should be granted and the decision of Community Zoning Appeals Board 12 should be overruled, and

WHEREAS, the request to permit a lot with an area of .645 gross acres and a lot with an area of .793 gross acres would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the proffered Declaration of Restrictions should be accepted, and that the requested district boundary change to EU-S (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to grant the appeal and overrule the decision of Community Zoning Appeals Board 12, accept the proffered Declaration of Restrictions, approve Item #2 as a non-use variance, and deny Item #1 without prejudice was offered by Commissioner Carlos A. Gimmenez, seconded by Commissioner Rebecca Sosa, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Dennis C. Moss	aye
Dr. Barbara M. Carey-Shuler	aye	Dorrin D. Rolle	aye
Jose "Pepe" Diaz	absent	Natacha Seijas	aye
Carlos A. Gimmenez	aye	Katy Sorenson	aye
Sally A. Heyman	absent	Rebecca Sosa	aye
Barbara J. Jordan	aye	Sen. Javier D. Souto	absent

Chairperson Joe A. Martinez aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby granted and the decision of Community Zoning Appeals Board 12 is hereby overruled, and that the request to permit a lot with an area of .645 gross acres and a lot with an area of .793 gross acres be and the same is hereby approved as non-use variance, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, but not limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Specific Purpose Survey, Site Plan, Ira Grabow," as prepared by Robayna and Associates, dated stamped received 4/19/05.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Completion.

BE IT FURTHER RESOLVED that requested district boundary change to EU-S (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB12-31-05 is hereby null and void.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise

its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 17th day of November, 2005, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 05-6-CZ12-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By _____
Deputy Clerk

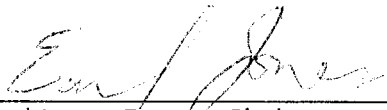
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 2ND DAY OF DECEMBER, 2005.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

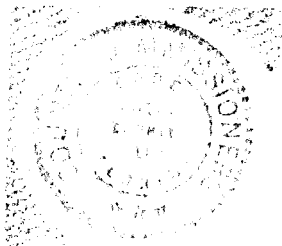
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-22-05 adopted by said Board of County Commissioners at its meeting held on the 17th day of November, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 2nd day of December, 2005.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning

Stephen P. Clark Center

111 NW 1st Street • Suite 1210

Miami, Florida 33128-1902

T 305-375-2800

miamidade.gov

December 2, 2005

Ira & Bambi Grabow
c/o Juan Mayol
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

Re: Hearing No. 05-6-CZ12-1
Location: The Southwest corner of S.W. 76 Street
& S.W. 48 Court; A/K/A: 4820 S.W. 76 Street,
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-22-05, adopted by the Board of County Commissioners, **which granted your appeal, accepted your Declaration of Restrictions, approved Item #2, and denied Item #1** on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **December 2, 2005**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Murray A. Greenberg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

ADA Coordination

Agenda Coordination

Animal Services

Art in Public Places

Audit and Management Services

Aviation

Building

Building Code Compliance

Business Development

Capital Improvements Construction Coordination

Citizens' Independent Transportation Trust

Commission on Ethics and Public Trust

Communications

Community Action Agency

Community & Economic Development

Community Relations

Consumer Services

Corrections & Rehabilitation

Cultural Affairs

Elections

Emergency Management

Employee Relations

Empowerment Trust

Enterprise Technology Services

Environmental Resources Management

Fair Employment Practices

Finance

Fire Rescue

General Services Administration

Historic Preservation

Homeless Trust

Housing Agency

Housing Finance Authority

Human Services

Independent Review Panel

International Trade Consortium

Juvenile Assessment Center

Medical Examiner

Metro-Miami Action Plan

Metropolitan Planning Organization

Park and Recreation

Planning and Zoning

Police

Procurement Management

Property Appraiser

Public Library System

Public Works

Safe Neighborhood Parks

Seaport

Solid Waste Management

Strategic Business Management

Team Metro

Transit

Task Force on Urban Economic Revitalization

Vizcaya Museum And Gardens

Water & Sewer